



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,889	09/22/2000	Charles Cameron Brackett	15-UL-5585	1227

7590

07/02/2003

Dennis M Flaherty Esq  
Ostrager Chong & Flaherty LLP  
825 Third Avenue  
30TH Floor  
New York, NY 10022-7519

EXAMINER

TABATABAI, ABOLFAZL

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 07/02/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/667,889

Applicant(s)

BRACKETT, CHARLES CAMERO

Examiner

Abolfazi Tabatabai

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van de Velde (U S 5,646,416) in view of Pelissier (U S 6,325,759 B1).

Regarding claim 1, Van de Velde discloses a scanner comprising:

means for joining an identifier with said frame of image data, said identifier identifying said study(Column 3, lines 41-55)

means for sending said frame of image data and said identifier in a first format out said parallel port (Column 3, lines 56-62)

means for joining said identifier with said report data (Column 6, lines 1-3) and

means for sending said report data and said identifier in a second format out said serial port (Column 3, lines 56-62)

However, Van de Velde does not teach:

memory storing a frame of image data belonging to a study and report data belonging to said study;

a parallel port ;

a serial port;

Art Unit: 2625

On the other hand Pelissier teaches:

memory storing a frame of image data belonging to a study and report data belonging to said study (Column 13, lines 7-17 and column 18, lines 29-43)

a parallel port (Column 10, lines 49-65)

a serial port (Column 10, lines 49-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the memory storing a frame of image data and a parallel port and serial port means as taught by Pelissier, because transmitting section has a serial to parallel registers blocks, transmitting sequencer and a power interface, and transmitting section can be configured to provide different driving signals for a creation of different types of images.

Regarding claim 2, Van de Velde discloses the scanner as recited in claim 1, wherein said first format conforms to DICOM standards (Column 4, lines 5-8).

Regarding claim 3, Van de Velde discloses the scanner as recited in claim 2, wherein identifier comprises a DICOM study instance unique identifier (Column 4, lines 5-8).

Regarding claim 4, Van de Velde discloses the scanner as recited in claim 1, wherein said second format is ASCII format (Column 6, lines 38-53).

Regarding claim 5, Van de Velde discloses the scanner as recited in claim 1, wherein said parallel port comprises an Ethernet connection (Column 6, lines 56-62).

Regarding claim 6, Van de Velde discloses the scanner as recited in claim 1, wherein said serial port comprises an RS232 interface (Column 3, lines 56-62).

Art Unit: 2625

Regarding claim 7, while Van de Velde is silence about step of an image acquisition subsystem for acquiring said frame of image data, wherein said image acquisition subsystem comprises an array of ultrasound transducer elements, Pelissier discloses an image acquisition subsystem for acquiring said frame of image data, wherein said image acquisition subsystem comprises an array of ultrasound transducer elements (Fig. 1 element 114 and column 2, lines 61-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use ultrasound transducer elements as taught by Pelissier, because a transduce of an ultrasound imaging system typically has several piezoelectric transducer elements regularly placed on a frame and the controller of ultrasound imaging system drives the ultrasound and collects and processes data from the transducer to provide, store, display and manipulate images.

Regarding claim 8, Van de Velde discloses the scanner as recited in claim 1, further comprising:

- a display monitor (Column 6, lines 19-23)

- means for displaying said frame of image data on said display monitor (Column 5, lines 8-10 and column 6, lines 19-23)

- means for measuring a feature in said displayed frame to acquire measurement data (Column 2, lines 41-47) and

- a user interface screen for displaying said measurement data on said display monitor (Column 2, lines 30-33 and column 4, lines 38-41)

Art Unit: 2625

wherein said report data in said memory comprises said measurement data (Column 2, lines 41-47 and column 6, lines 1-6).

Regarding claim 9, Van de Velde discloses the scanner as recited in claim 1, further comprising:

a display monitor (Column 6, lines 19-23)

a user interface screen displayed on said display monitor and comprising fields for entering patient information (Column 2, lines 30-33 and column 4, lines 38-41) and

means for constructing said study identifier based at least in part on patient information entered on said user interface screen (Column 4, lines 61-67 and column 5, lines 1-10).

Claim 10, 15 are similarly analyzed as claim 1, above.

Claim 11, 16 and 17 are similarly analyzed as claim 2, above.

Claim 12, is similarly analyzed as claims 5 and 6 above.

Claim 13, is similarly analyzed as claim 7, above.

Claim 14, is similarly analyzed as claims 1 and 7 above.

Claim 18, is similarly analyzed as claim 4, above.

Claim 19, is similarly analyzed as claim 5, above.

Claim 20, is similarly analyzed as claim 6, above.

Regarding claim 21, a view station comprising:

a display monitor (Column 6, lines 19-23 of Van de Velde)

a user interface (Column 2, lines 30-33 and column 4, lines 38-41 of Van de Velde)

Art Unit: 2625

a parallel port (Column 10, lines 49-65 of Pelissier)

a serial port (Column 10, lines 49-65 of Pelissier)

memory (Column 13, lines 7-17 and column 18, lines 29-43 of Pelissier) and

a computer programmed to perform the following

steps:

storing frames of image data received in a first format via said parallel port in said memory (Column 13, lines 7-17 and column 18, lines 29-43 of Pelissier)

detecting report data having no study identifier received in a second format via said serial port (Column 13, lines 7-17 of Pelissier )

searching said frames of image data for a frame having attributes joined with said image data, which closely match attributes joined with said report data (Column 13, lines 7-17 of Van de Velde)

generating a message on said display monitor requesting confirmation that said report data should be linked to said frame having said closely matching attributes (Column 6, lines 19-31 of Van de Velde) and

attaching said study identifier to said report data in response to receipt of a user input indicating confirmation via said operator interface (Column 2, lines 30-33 and column 4, lines 38-41 Van de Velde).

Claim 22, is similarly analyzed as claim 21, above.

### **Other prior art cited**

3. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

U. S. Patent (5,795,297) to Dagle, Ronald E. is cited for ultrasonic diagnostic imaging system with personal computer architecture.

U.S. Patent (5,603,323) to Pflugrath et al is cited for medical ultrasonic diagnostic system with upgradeable transducer probes and other features.

U.S. Patent (6,032,120) to Rock et al is cited for accessing stored ultrasound and other digital medical images.

U.S. Patent (4,764,870) to Haskin is cited for system and method for remote presentation of diagnostic image information.

### **Contact Information**

4. any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (703) 306-5917.

The examiner can normally be reached on Monday through Thursday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Bhavesh Mehta M, can be reached at (703) 308-5246.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for **formal** communications; please mark  
"EXPEDITED PROCEDURE")



Art Unit: 2625

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750

Abolfazl Tabatabai

Patent Examiner

Group Art Unit 2625

June 24, 2003

A handwritten signature in black ink, appearing to read 'Jayanti K. Patel', with a long horizontal stroke extending to the right.

Jayanti K. Patel  
Primary Examiner